



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,198	10/19/2001	Noriko Sugimoto	B422-170	3545

26272 7590 12/09/2005

COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

BOYCE, ANDRE D

ART UNIT PAPER NUMBER

3623

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,198

Applicant(s)

SUGIMOTO, NORIKO

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-10 have been examined.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on October 24, 2000. It is noted, however, that applicant has not filed a certified copy of the 324350/2000 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 8-10 recite the limitation "the progress" in lines 3, 4, 5, and 5, respectively. There is insufficient antecedent basis for this limitation in the claim. Claims 2-7 are rejected based upon the same rationale, since they depend from claim 1.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fawcett et al (USPN 5,678,002).

As per claim 1, Fawcett et al disclose a trouble management system for managing a trouble in a product (i.e., product support center, including product support services (PSS) client/server messaging system, column 3, lines 60-62), comprising: recording means for recording the progress of an operation for solving the trouble in the product (i.e., data sent to diagnostic interpreter is displayed/recorded on PSS side, column 9, lines 32-34, wherein the diagnostic application actions completed are logged, column 11, lines 20-23); and notice means for sending to a destination a notice of the progress of the operation recorded by said recording means (i.e., diagnostic actions completed on the customer's computer are documented in a transaction log, column 11, lines 20-23), wherein said notice means sends the notice by converting the progress of the operation recorded by said recording means into a format suitable for the destination (i.e., a communications path is established between the customer and the PSS, column 6, lines 4-6).

As per claim 2, Fawcett et al disclose analysis means for analyzing information about the trouble in the product (i.e., PSS 38 commands a remote diagnostic agent 50 on customer's computer 40 to execute a diagnostic application, column 10, lines 28-32); and search means for searching for the operation for resolving the trouble in the product on the basis of the result of said analysis (i.e., automatically sniff around customer's computer in order to gather diagnostic data and help troubleshoot, column 10, lines 44-47).

As per claim 3, Fawcett et al disclose analysis by said analysis means is performed on the side of a user using the product (i.e., PSS 38 commands a remote diagnostic agent 50 on customer's computer 40 to execute a diagnostic application, column 10, lines 28-32).

As per claim 6, Fawcett et al disclose management means for managing information about specifications of the product (i.e., device manager diagnostic allows PSS engineer to retrieve the properties and characteristics of all hardware devices attached to computer, column 12, lines 48-50), wherein analysis by said analysis means depends on the managed information about the specifications (i.e., query a list of available devices and invoke device diagnostics, column 10, lines 35-36).

As per claim 7, Fawcett et al disclose storage means for storing contents of the operation actually performed to resolve the trouble in the product or results of the operation (i.e., the diagnostic interpreter remains in memory on the PSS side, column 11, lines 20-23 and 28-31).

Claim 8 is rejected based upon the same rationale as the rejection of claim 1, since it is the method claim corresponding to the system claim.

Claim 9 is rejected based upon the same rationale as the rejection of claim 1, since it is the storage medium claim corresponding to the system claim.

As per claim 10, Fawcett et al disclose a trouble management method for managing a trouble in a product (i.e., method for diagnosing and resolving computer related problems, abstract), comprising: obtaining as an input contents of the trouble in the product (i.e., PSS 38 commands remote diagnostic agent 50 to execute a diagnostic application, column 10, lines 28-32); recording the progress of an operation performed on the basis of the input contents of the trouble (i.e., data sent to diagnostic interpreter is displayed/recorded on PSS side, column 9, lines 32-34, wherein the diagnostic application actions completed are logged, column 11, lines 20-23); and sending a notice of the recorded progress of the operation (i.e., diagnostic actions completed on the customer's computer are documented in a transaction log, column 11, lines 20-23).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3623

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett et al (USPN 5,678,002), in view of Skaaning et al (USPN 6,535,865).

As per claim 4, Fawcett et al does not explicitly disclose said notice means sends a notice of a cost or a time required for the operation. Skaaning et al disclose estimating the cost of actions as a combination of multiple factors, including time to perform the action (column 21, lines 1-5). Both Fawcett and Skaaning are concerned with effective troubleshooting via a customer computer, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include sending notice of a cost in Fawcett, as seen in Skaaning, in order to determine which is the optimal step to perform (see Skaaning, column 21, lines 1-3), thus improving the efficiency in Fawcett.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett et al (USPN 5,678,002), in view of Phung et al (US 2002/0007237).

As per claim 5, Fawcett et al does not disclose management means for managing a guarantee period of the product, wherein said cost depends on the managed guarantee period. Phung et al discloses the product manufacturer absorbing all the costs related to troubleshooting and resolving failures covered by a warranty (§ 0005). Both Fawcett and Phung are concerned with conducting product diagnosis over an electronic network, therefore it would have been obvious to one having ordinary skill in the art at the time the

invention was made to include managing a guarantee period of the product (i.e., warranty), wherein said cost depends on the warranty in Fawcett, as seen in Phung, thereby determining when the customer does not have to incur diagnostic and troubleshooting costs, as seen in Phung. As a result, the customer service in Fawcett et al is improved, since the cost to the customer may be reduced.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Martinka et al (USPN 6591257) disclose determining a solution to a problem where paths are traversed.

-Winokur et al (USPN 5539877) disclose managing error recovery in a local area network.

-Ahmad (USPN 6029258) discloses trouble shooting and correcting software problems.

-Bereiter et al (USPN 6145096) disclose automated technical support in a computer network.

-Galuten et al (USPN 6918059) disclose tracking and processing errors in a computer system.

-Miller (USPN 6742141) discloses monitoring, diagnosing, and solving problems that occur in operation of machines.


Art Unit: 3623

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adb
November 30, 2005


ANDRE BOYCE
PATENT EXAMINER
AU. 3623